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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,245	11/18/2003	Makoto Izawa	10973-111001 / K43-160304	6738
26211	7590	06/14/2005	EXAMINER	
FISH & RICHARDSON P.C. CITIGROUP CENTER 52ND FLOOR 153 EAST 53RD STREET NEW YORK, NY 10022-4611			REHM, ADAM C	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/716,245	Applicant(s) IZAWA, MAKOTO	
	Examiner Adam C. Rehm	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/18/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by POIRIER D'ANGE D'ORSAY (US 4,204,270).
3. Regarding Claim 1, POIRIER D'ANGE D'ORSAY provides a vehicle posture detecting means for detecting the change in the posture of the vehicle (C1 and C2, Column 4, Lines 29-33); irradiation control means for calculating a pitch angle indicative of a vertical inclined posture in a forward direction of the vehicle based on information detected by the vehicle posture detecting means and computing a control amount for correcting an optical axis of irradiation related to the headlamp for the vehicle, and setting a ground angle of the optical axis of the irradiation in a deceleration of the vehicle to be smaller than a ground reference angle of the optical axis of the irradiation during stop or constant speed running of the vehicle, thereby carrying out a correcting calculation for maintaining a forward visible distance of the vehicle to be constant (Column 4, Lines 38-65); and driving means for changing a direction of the optical axis of the irradiation of the headlamp for the vehicle upon receipt of a control command sent from the irradiation control means (Column 4, Lines 38-65).

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4. Regarding Claim 2, POIRIER D'ANGE D'ORSAY provides a ground reference angle of the optical axis of the irradiation (α , Fig. 1), a ground clearance of the headlamp for the vehicle (Fig. 1) and a forward visible distance of the vehicle (L, Fig. 1), wherein the irradiation control means subtracts an angle obtained as an inverse tangent of a ratio from the ground reference angle and sets the value thus obtained as a correction value to compute a control amount for correcting the optical axis of the irradiation based on an amount obtained by correcting the value of the pitch angle (Column 4, Lines 38-65).

5. Regarding Claim 3, POIRIER D'ANGE D'ORSAY provides a running state detecting means for detecting a running state of the vehicle, wherein when an acceleration in a deceleration of the vehicle is detected by the running state detecting means, the irradiation control means adds a correction amount which is proportional to an absolute value of the acceleration to a control amount determined by the pitch angle (C1 and C2, Column 4, Lines 29-33).

6. Regarding Claim 4, POIRIER D'ANGE D'ORSAY provides a vehicle posture detecting means for detecting the change in the posture of the vehicle (C1 and C2, Column 4, Lines 29-33); irradiation control means for calculating a pitch angle indicative of a vertical inclined posture in a direction of advance of the vehicle based on information detected by the vehicle posture detecting means and computing a control amount for correcting an optical axis of irradiation related to the headlamp for the vehicle, and setting a ground angle of the optical axis of the irradiation in an acceleration of the vehicle to be greater than a ground reference angle of the optical

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axis of the irradiation during stop or constant speed running of the vehicle, thereby carrying out a correcting calculation for maintaining a forward visible distance of the vehicle to be constant (Column 4, Lines 38-65); and driving means for changing a direction of the optical axis of the irradiation of the headlamp for the vehicle upon receipt of a control command sent from the irradiation control means (Column 4, Lines 38-65).

7. Regarding Claim 5, POIRIER D'ANGE D'ORSAY provides a running state detecting means for detecting a running state of the vehicle, wherein when an acceleration in an acceleration of the vehicle is detected by the running state detecting means, the irradiation control means subtracts a correction amount which is proportional to an absolute value of the acceleration from a control amount determined by the pitch angle (C1 and C2, Column 4, Lines 29-33).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. KUMRA ET AL. (US 5,633,710) provides a system for self-aligning vehicle headlamps having an infrared light source that emits a beam toward a ground surface, which is received by a plurality of optical sensors in order to modify the alignment of the lamps.

9. OKUCHI ET AL. (US 5,877,680) provides a system for automatically adjusting an optical axis direction of vehicle headlights utilizing various sensors including that of height and speed, which provide a flow of data in order to adjust the lamps accordingly.

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10. TODA ET AL. (US 6,183,118) provides an automatic leveling apparatus for use with automobile headlamps having a headlamp with a light axis that is tilted upward or downward in relation to a vehicle body.

11. AMANO (US 6,278,912) provides a pitch-angle calculating device having sensors capable of calculating an accurate pitch angle of a vehicle.

12. BILZ ET AL. (US 6,480,806) provides an automatic headlight leveling system for motor vehicles with said system situated in a vehicle body and having two level sensors offset longitudinally for measuring body pitch angle as a level difference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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June 8, 2005



ALAN CARIASO
PRIMARY EXAMINER